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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

|                             |   |  |
|-----------------------------|---|--|
| In re                       | ) | Case No. 06-60855-RBK                    |
| INCREDIBLE AUTO SALES, LLC, | ) | <b>NOTICE OF HEARING</b>                 |
|                             | ) | Date: April 24, 2007                     |
| Debtor(s).                  | ) | Time: 9:00 A.M.                          |
|                             | ) | Location: 316 N. 26 <sup>th</sup> Street |
|                             | ) | 5 <sup>th</sup> FL CRTRM, Billings, MT   |

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OBJECTION TO DEBTOR'S MOTION FOR LEAVE TO TRANSFER VEHICLES HELD IN  
THE DEBTOR'S INVENTORY TO CERTAIN FINANCIAL INSTITUTIONS IN FULL  
SETTLEMENT AND RELEASE OF ALL DEBT AND CLAIMS AGAINST THE DEBTOR  
AND THE CONSUMER BUYERS  
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COMES NOW, WFS Financial, Inc.(herein after Creditor) and objects to the Debtors  
Motion for Leave to Transfer Vehicles Held in the Debtor's Inventory to Certain Financial  
Institutions in Full Settlement and Release of All Debt and Claims Against the Debtor and the  
Consumer Buyers for filed with this Court for reasons as follows:

1. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont.

LBR 4001-1, provides the following information:

(a) The present balance owing to Creditor, excluding any pre computed interest  
or other unearned charges, is \$15,524.71.

(b) The date upon which the subject debt was incurred was April 8, 2004 on the  
contract and September 28, 2006 for the non-sufficient check.

(c) Creditor holds a security interest or lien upon the following described  
property of the estate:

Security interest: 2004 Chrysler Concorde, Vin #2C3HD36M54H633246 per

OBJECTION TO DEBTOR'S MOTION FOR LEAVE TO TRANSFER VEHICLES - P - 1

1 terms of the contract dated April 8, 2004.

2 Check written to WFS Financial, Inc. to pay off the lien on the 2004 Chrysler  
3 Concord that was traded into Incredible Auto Sales by the Spah's for which the  
4 check was written in the amount of \$15,524.71.

5 (d) The nature of Creditor's security interest, the date upon which the security  
6 interest was obtained, and the date upon which the security interest was perfected  
7 are as follows:

8 WFS Financial, Inc. secured the loan on a vehicle purchased by Spah's on April 8,  
9 2004 whereupon a lien perfected on April 26, 2004.

10 The Debtor by their Motion is requesting permission from the Court to transfer the  
11 particular vehicles on List Exhibit A to the particular Financial Institution on Exhibit B for full  
12 satisfaction and release of the lien and to cover the alleged debt by each the consumer and the  
13 Debtor for which there are approximately eight vehicles.

14 On Exhibit A, the Debtor lists Michael Geiser for a 1997 Explorer, payoff \$3,152.63 to  
15 WFS.

16 On Exhibit B, the Debtor lists WFS Financial, Inc for Michael Geiser and then at the  
17 under WFS Financial, Inc. the Debtor lists the attorney of record, Gregory W. Duncan for the  
18 Kelly Spah Loan with WFS.

19 There is no vehicle listed for the debt owed to WFS on the Kelly Spah contract as the  
20 vehicle for the contract is a 2004 Chrysler Concord.

21 The Debt owed to WFS Financial under the Kelly Spah contract is \$15,524.71 by both the  
22 contact and the NSF check presented to this Court on the Proofs of Claim.

23 WHEREFORE, WFS Financial, Inc. objects to the Debtor's Motion for Leave to Transfer  
24 Vehicles Held in the Debtor's Inventory to Certain Financial Institutions in Full Settlement and  
25 Release of All Debt and Claims Against the Debtor and the Consumer Buyers as the debt owed  
26 to WFS Financial, Inc. under the Kelly Spah contract is not \$3,152.63 but instead \$15,524.71 and

27 OBJECTION TO DEBTOR'S MOTION FOR LEAVE TO TRANSFER VEHICLES - P - 2

the vehicle secured under the Kelly Spah contract is a 2004 Chrysler Concord.

By: Gregory W. Duncan  
Attorney for Creditor

**CERTIFICATE OF SERVICE**

Under penalty of perjury, I hereby certify that on the 15<sup>th</sup> day of March, 2007, I served a true and exact copy of the foregoing document by depositing the same in the U.S. Mail, first class postage prepaid, CM/ECF, and/or facsimile addressed to the following:

Neal G. Jensen  
Assistant U.S. Trustee

Clark B. Rice  
Attorney for Incredible Auto Sales

William L. Needler  
Attorney for Incredible Auto Sales

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